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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,098	11/13/2001	Suk Sang Oh	K-0342	6523
34610	7590	03/25/2005	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			BARQADLE, YASIN M	
			ART UNIT	PAPER NUMBER
			2153	
DATE MAILED: 03/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/987,098

Applicant(s)

OH, SUK SANG

Examiner

Yasin M Barqadle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-22 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 3,5-7, 8-10,12,14-15,17 and 19-22 rejected under 35 U.S.C. 102(e) as being anticipated by Dommety et al U.S. Pat. No. (6,510,144).

As per claim 1, Dommety et al teach a mobile Internet Protocol (IP) system (fig. 1, system 2 and

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abstract), comprising:

a mobile node (mobile node 6, fig. 1) initially linked to a first foreign network (mobile node is linked to WAN 4, through elements 12 and 14. See fig. 1, FA 10 and R2, col. 1, lines 3-65 and col. 5, lines 57 to col. 6, line 48);

a home agent receiving a set of data packets, which are supposed to be transmitted to said mobile node, said home agent being included in a home network of said mobile node (HA 8, receives data packets from FA 10 and Node 18. See fig. 1, MN (2) and col. 5, lines 57 to col. 6, line 48); and

a first foreign agent initially receiving said packets from said home agent and storing them in a buffer (fig. 2A steps 202-208 and col. 5, lines 57 to col. 6, line 56) and additionally sending said stored packets to a second foreign agent included in a second foreign network if said mobile node is moved to said second foreign network, said first foreign agent being included in said first foreign network (col. 7, lines col. 3, lines 4-49).

As per claim 3, Dommetry et al teach the mobile IP system of claim 1, wherein said first foreign agent additionally sends said stored packets to said mobile node if said mobile node continues to be linked to said first foreign network (fig. 1, col. 5, lines 57 to col. 6, line 42 and col. 7, lines 4-49).

As per claim 5, Dommetry et al teach the mobile IP system of claim 1, wherein said buffer is coupled to said first foreign agent (col. 5, lines 29-66).

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As per claim 6, Dommety et al teach the mobile IP system of claim 1, wherein said mobile node sends a notification message to said first foreign agent if said mobile node is moved to said second foreign network (col. 7, 9-40 and col. 11, lines 26-34).

As per claim 7, Dommety et al teach the mobile IP system of claim 6, wherein said first foreign agent determines whether said mobile node is moved to said second foreign network by checking whether said notification message is received from said mobile node (col. 2, lines 1-48; col. 7, 9-40 and col. 11, lines 26-34).

As per claim 8, this is a method claim with similar limitations as claims 1 and 6. Therefore, it is rejected with the same rationale.

As per claim 9, Dommety et al teach the method of claim 8, wherein said first buffer is coupled to said first foreign agent (col. 5, lines 29-66).

As per claim 10, Dommety et al teach the method of claim 8, wherein said second buffer is coupled to said second foreign agent (Fig. 1 and col. 5, lines 29-66).

As per claim 12, Dommety et al teach the method of claim 8 further comprising a step of transmitting said packets stored in said first buffer to said mobile node if said mobile node continues to be linked to said first foreign network (fig. 1, col. 5, lines 57 to col. 6, line 42 and col. 7, lines 4-49).

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As per claim 14, Dommety et al teach the method of claim 8, wherein said notification message is generated from said mobile node (col. 7, 9-40 and col. 11, lines 26-34).

As per claim 15, Dommety et al teach the data routing method of a first foreign agent in a mobile Internet Protocol (IP) network, the method comprising the steps of:

- (a) receiving a set of data packets and storing them in a buffer (HA 8, receives data packets from FA 10 and Node 18. See fig. 1, MN (2) and col. 5, lines 57 to col. 6, line 48);
- (b) determining a mobile node to which said packets are supposed to be transmitted (col. 2, lines 1-48 and col. 5, lines 57 to col. 6, line 48);
- (c) determining if said determined mobile node is moved to a second foreign network having a second foreign agent (col. 8, lines 3-58 and col. 9, lines 6-46) ; and
- (d) transmitting said packets stored in said buffer to said second foreign agent if said mobile node is moved to said second foreign network (col. 7, lines col. 3, lines 4-49 and col. 9, lines 6-43).

As per claim 17, Dommety et al teach the method of claim 15 further comprising a step of transmitting said packets stored in said buffer to said mobile node if said mobile node continues to be linked to said first foreign network (fig. 1, col. 5, lines 57 to col. 6, line 42 and col. 7, lines 4-49).

As per claim 19, Dommety et al teach the method of claim 15, wherein said buffer is coupled to said first foreign agent (col. 5, lines 29-66).

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As per claim 20, Dommety et al teach the method of claim 15, wherein said mobile node sends a notification message to said first foreign agent if said mobile node is moved to said second foreign network (col. 7, 9-40 and col. 11, lines 26-34).

As per claim 21, Dommety et al teach the method of claim 20, wherein said determination step (c) is performed by checking whether said notification message is received from said mobile node (col. 2, lines 1-48; col. 7, 9-40 and col. 11, lines 26-34).

As per claim 22, Dommety et al teach the method of claim 20, wherein an IP address of said second foreign agent is indicated in said notification message (col. 2, lines 1-48 and col. 11, lines 26-44).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,4,11,13,16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dommety et al, U.S. Pat. No. 6,510,144 in view of Miller et al U.S. Pat. No. (6247058)

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As per claims 2,4,11,13,16 and 18, Although Dommety et al shows substantial features of the claimed invention, he does not explicitly show deleting stored packets after sending the stored packets

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Dommety et al, as evidenced by Miller et al USPN. (6247058).

In analogous art, Miller et al whose invention is about a network device receiving packets from a first network segment, time stamps the packets as they arrive, and transmits the packets to a second network segment. Packets are stored in a buffer memory where they are discarded after certain period of time to make a room for an arriving packet (abstract and col. 8, lines 22-35. See also col. 12, lines 29-37). Giving the teaching of Miller et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Dommety et al by employing the system of Miller et al in order conserve network bandwidth and to enhance the efficient use of buffer memory (abstract and col. 12, lines 29-49).

### **Conclusion**

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the




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organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yasin Barqadle

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GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100